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**INITIAL SCREENING OF ALTERNATIVES FOR
OPERABLE UNIT 3**

11-21-90

**DOE-312-91
DOE-FMPC/USEPA & OEPA
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LETTER**



Department of Energy

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Ms. Catherine A. McCord, Remedial Project Director
U. S. Environmental Protection Agency
Region V - 5HR-12
230 South Dearborn Street
Chicago, IL 60604

Mr. Graham E. Mitchell, DOE Coordinator
Ohio Environmental Protection Agency
40 South Main Street
Dayton, OH 45402

Dear Ms. McCord and Mr. Mitchell:

INITIAL SCREENING OF ALTERNATIVES FOR OPERABLE UNIT 3

Enclosed are the revised Initial Screening of Alternatives and the Response to Comments documents for Operable Unit 3. DOE reviewed and disagrees with your comments concerning the relationship between Operable Unit 3 and the potential releases from production area structures, buildings and materials at the Feed Materials Production Center (FMPC).

The scope of the Operable Unit 3 was developed in conjunction with the Production Area and Additional Suspect Areas Addendum to the RI/FS Work Plan, which was submitted to EPA in October 1989. The Production Area and Additional Suspect Areas Program was an investigative approach to identify the extent of contamination of environmental media underlying the production area and suspect areas. The purpose of the program was to define contamination of environmental media and determine its source(s). Consequently, the scope of the Feasibility Study for Operable Unit 3 was defined as addressing the findings of Production Area and Additional Suspect Areas Program, including identified sources of contamination. The scope of Operable Unit 3 is based upon the assumption that FMPC's existing waste management procedures (such as Radiological Control Program, Best Management Practices, Spill Prevention, Control and Countermeasures, etc.) adequately address potential releases not contemplated in the Production Area and Additional Suspect Areas Addendum. For these reasons, the defined scope of Operable Unit 3 does not include assessment of production area structures, buildings, and materials. Previous EPA comments on the RI/FS Work Plan and related addendum did not identify a need to include these areas within the scope of Operable Unit 3.

The permanent disposition of process buildings, structures, and materials is contained within the Scope of DOE's Decontamination and Decommissioning (D&D) Program. The DOE was given certain authorities under the Atomic Energy Act (AEA) of 1954, as amended, for the management of radioactive waste and/or radioactively contaminated facilities. To implement the requirements of the AEA, DOE has established a series of DOE Orders. Chapter V of DOE Order 5820.2A establishes policies, guidelines and responsibilities for the D&D of radioactively contaminated facilities under DOE ownership or control. The policies and guidelines in DOE Order 5820.2A require that D&D activities be consistent with the intent of the National Environmental Policy Act (NEPA), the Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act (CERCLA/SARA). Although D&D activities must be consistent with the intent of these other environmental regulations, DOE does not believe these statutes should be the regulatory drivers for DOE's D&D activities.

DOE does agree that each facility listed on the NPL must investigate and, if necessary, remediate current and/or potential sources of hazardous substance releases. In determining when a CERCLA action is required, consideration should be given to response actions that are already underway or planned and that are regulated by other statutory mechanisms. In addition, DOE agrees that all response efforts, including D&D, should be conducted consistently and in a coordinated manner. DOE is striving to achieve this at our various facilities by closely coordinating D&D and CERCLA activities.

If you have any questions, please contact me at FTS 774-6161 or Carlos J. Fermaintt at FTS 774-6157.

Sincerely,



Andrew P. Avel
FMPC Remedial Action
Project Director

DP-84:Fermaintt

Enclosures: As stated

cc w/encls.:

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